IN THE HIGH COURT OF JUDICATURE AT BOMBAY

CIVIL APPELLATE JURISDICTION

WRIT PETITION NO.2303 OF 2006

Shivappa Dhulappa Agrani ...Petitioner.

V/s

State of Maharashtra ...Respondent.

Mr. S.U. Kamdar i/b Mr. V.S. Deokar for the Petitioner.

Mr. R.D. Rane, Government Pleader, for Respondent Nos. 1, 3 and 4.

CORAM: H.S. BEDI, C.J. &
V.M. KANADE, J.

DATE : OCTOBER 10, 2006

P.C.:

1. The petitioner is a teacher, employed in what is known as a Vasti School which has been set up under the Government Resolution dated 18th April, 2000. By this Petition, he claims parity in the pay-scales with the teachers working in the schools set up under the Zilla Parishad or by the Government.It is pleaded and so argued by the learned Counsel for the Petitioner that Vasti Schools were doing exactly similar work as other regular schools and the difference in pay-scales of teacher between the two categories of schools was therefore not warranted. The learned Counsel, in

support of his plea, relied upon the judgment of the Hon'ble Supreme Court in the case of Dhirendra Chamoli and Another Vs. State of U.P., reported in **(1986) 1 SCC 637.**

2. In the reply filed by the respondents, an attempt has been made to highlight the differences between the work done by the Vasti Schools and other schools and, in particular, it has been pointed out that Vasti Schools had been set up in view of the peculiar facts and circumstances where regular schools were not feasible on account of obstacles like rivers, mountains, hills, forest etc. and, as such, it had been decided that each Vasti School would have Classes from 1st to 4th Standard and all the students would study in one class. It has also been pleaded that the teachers of the Zilla Parishad Schools were protected by various statutes under which they had been appointed and that the qualification for primary teachers was D.Ed., a course which had been specially designed by National Council of Teachers' Education for primary schools. It has been pointed out that there was no obligation to appoint D.Ed. qualified teachers in Vasti Schools. The learned Government Pleader has also submitted that it would be clear from various documents on record that the workload etc. of

the petitioner was less than the teachers in other schools and this too did not justify parity in pay-scales.

3. We have heard the learned Counsel for the parties at length. We find substantial difference under the two categories of teachers. It would be seen that the Vasti School students study in a school where it is difficult to set up regular schools on account of natural obstacles like rivers, mountains, hills, forests etc. and it is to meet this situation that a peculiar system has been devised that 15 children would constitute a Vasti School with one teacher teaching all classes from the 1st standard to 4th standard. It is also borne out from the affidavit of the respondents that minimum qualification for teachers working in regular schools was D.Ed. whereas there is no such requirement for a teacher in Vasti Schools. The learned Counsel for the Petitioner has, however, pointed out that the petitioner was, in fact, a D.Ed. qualified teacher. We find that this is only incidental and not an essential qualification for appointment in a Vasti School.

4. We are accordingly of the opinion that there is no merit in the Petition. Petition is dismissed.

CHIEF JUSTICE

V.M. KANADE, J.